

**HEALTH CARE WORKFORCE LOAN
REPAYMENT ASSISTANCE**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act modifies the Utah Health Code. This act replaces three financial assistance programs--the Physicians and Physicians Assistants Grant and Scholarship Program, the Nurse Education Financial Assistance Program, and the Special Population Health Care Provider Financial Assistance Program with a new Utah Health Care Workforce Financial Assistance Program. This act specifies the duties of the Department of Health in administering the new program and creates a committee to advise the department on the development and modification of rules for the program. This act provides for continuity between the old programs and the new program. This act provides a repeal date and an effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-1-7, as last amended by Chapter 345, Laws of Utah 1996

63-55b-126, as enacted by Chapter 318, Laws of Utah 2001

ENACTS:

26-45-101, Utah Code Annotated 1953

26-45-102, Utah Code Annotated 1953

26-45-103, Utah Code Annotated 1953

26-45-104, Utah Code Annotated 1953

REPEALS:

26-9-201, as enacted by Chapter 44, Laws of Utah 1993

26-9-202, as last amended by Chapter 21, Laws of Utah 1999

26-9-203, as last amended by Chapters 194 and 243, Laws of Utah 1996

26-9-204, as enacted by Chapter 44, Laws of Utah 1993

26-9-205, as enacted by Chapter 44, Laws of Utah 1993

26-9-206, as enacted by Chapter 44, Laws of Utah 1993
26-9-207, as enacted by Chapter 44, Laws of Utah 1993
26-9-208, as last amended by Chapter 59, Laws of Utah 1995
26-9-209, as last amended by Chapter 59, Laws of Utah 1995
26-9-210, as last amended by Chapter 79, Laws of Utah 1996
26-9-211, as last amended by Chapter 59, Laws of Utah 1995
26-9-212, as last amended by Chapter 13, Laws of Utah 1998
26-9-213, as enacted by Chapter 44, Laws of Utah 1993
26-9d-1, as last amended by Chapter 21, Laws of Utah 1999
26-9d-2, as last amended by Chapters 194 and 243, Laws of Utah 1996
26-9d-3, as enacted by Chapter 252, Laws of Utah 1992
26-9d-4, as enacted by Chapter 252, Laws of Utah 1992
26-9d-5, as last amended by Chapter 21, Laws of Utah 1999
26-9d-6, as enacted by Chapter 252, Laws of Utah 1992
26-9d-7, as enacted by Chapter 252, Laws of Utah 1992
26-9d-8, as enacted by Chapter 252, Laws of Utah 1992
26-9d-9, as enacted by Chapter 252, Laws of Utah 1992
26-9d-10, as last amended by Chapter 13, Laws of Utah 1998
26-9e-1, as enacted by Chapter 345, Laws of Utah 1996
26-9e-2, as last amended by Chapter 97, Laws of Utah 1998
26-9e-3, as enacted by Chapter 345, Laws of Utah 1996
26-9e-4, as last amended by Chapter 97, Laws of Utah 1998
26-9e-5, as last amended by Chapter 97, Laws of Utah 1998
26-9e-6, as enacted by Chapter 345, Laws of Utah 1996
26-9e-7, as last amended by Chapter 97, Laws of Utah 1998
26-9e-8, as last amended by Chapter 97, Laws of Utah 1998
26-9e-9, as last amended by Chapter 97, Laws of Utah 1998
26-9e-10, as last amended by Chapter 97, Laws of Utah 1998

26-9e-11, as last amended by Chapters 13 and 97, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-1-7** is amended to read:

26-1-7. Committees within department.

There are created within the department the following committees:

(1) Health Facility Committee;

(2) State Emergency Medical Services Committee;

~~[(3) Rural Medical Financial Assistance Committee;]~~

~~[(4) Nurse Financial Assistance Committee;]~~

~~[(5)]~~ (3) Health Data Committee; and

~~[(6) Special Population Health Care Provider Financial Assistance Committee;]~~

(4) Utah Health Care Workforce Financial Assistance Program Advisory Committee.

Section 2. Section **26-45-101** is enacted to read:

**CHAPTER 45. UTAH HEALTH CARE WORKFORCE
FINANCIAL ASSISTANCE PROGRAM**

26-45-101. Definitions.

(1) "Health care professional" means a physician, physician assistant, nurse, dentist, mental health therapist, or other health care professional designated by the department by rule.

(2) "Underserved area" means an area designated by the department as underserved by health care professionals, based upon the results of a needs assessment developed by the department in consultation with the Utah Health Care Workforce Financial Assistance Program Advisory Committee created under Section 26-45-103.

Section 3. Section **26-45-102** is enacted to read:

26-45-102. Creation of program -- Duties of department.

(1) There is created within the department the Utah Health Care Workforce Financial Assistance Program to provide professional education scholarships and loan repayment assistance to health care professionals who locate or continue to practice in underserved areas.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

department shall make rules governing the administration of the program, including rules that address:

- (a) application procedures;
- (b) eligibility criteria;
- (c) selection criteria;
- (d) service conditions, which at a minimum shall include professional service in an underserved area for a minimum period of time by any person receiving a scholarship or loan repayment assistance;
- (e) penalties for failure to comply with service conditions or other terms of a scholarship or loan repayment contract;
- (f) criteria for modifying or waiving service conditions or penalties in case of extreme hardship or other good cause; and
- (g) administration of contracts entered into before the effective date of this act, between the department and scholarship or loan repayment recipients under Title 26, Chapter 9, Part 2,

Physicians

and Physician Assistants Grant and Scholarship Program, Title 26, Chapter 9d, Nurse Education Financial Assistance, or Title 26, Chapter 9e, Special Population Health Care Provider Financial Assistance and Retention Act.

(3) The department shall seek and consider the recommendations of the Utah Health Care Workforce Financial Assistance Program Advisory Committee created under Section 26-45-103 as it develops and modifies rules to administer the program.

(4) Funding for the program shall be a line item within the appropriations act, shall be nonlapsing unless designated otherwise, and may be used to cover administrative costs of the program, including reimbursement expenses of the Utah Health Care Workforce Financial Assistance Program Advisory Committee created under Section 26-45-103.

(5) Loan repayments and payments resulting from breach of contract are dedicated credits to the program.

(6) The department shall prepare an annual report on the revenues, expenditures, and outcomes of the program.

Section 4. Section **26-45-103** is enacted to read:

26-45-103. Advisory committee -- Membership -- Compensation -- Duties.

(1) There is created the Utah Health Care Workforce Financial Assistance Program Advisory Committee consisting of the following 11 members appointed by the executive director, seven of whom shall be residents of rural communities:

(a) one rural representative of Utah Hospitals and Health Systems, nominated by the association;

(b) one rural representative of the Utah Medical Association, nominated by the association;

(c) one representative of the Utah Academy of Physician Assistants, nominated by the association;

(d) one representative of the Association for Utah Community Health, nominated by the association;

(e) one representative of the Utah Dental Association, nominated by the association;

(f) one representative of mental health therapists, selected from nominees submitted by mental health therapist professional associations;

(g) one representative of the Association of Local Health Officers, nominated by the association;

(h) one representative of the low-income advocacy community, nominated by the Utah Human Services Coalition;

(i) one nursing program faculty member, nominated by the Statewide Deans and Directors Committee;

(j) one administrator of a long-term care facility, nominated by the Utah Health Care Association; and

(k) one nursing administrator, nominated by the Utah Nurses Association.

(2) An appointment to the committee shall be for a four-year term unless the member is appointed to complete an unexpired term. The executive director may also adjust the length of term at the time of appointment or reappointment so that approximately 1/2 the committee is appointed every two years. The executive director shall annually appoint a committee chair from among the

members of the committee.

(3) The committee shall meet at the call of the chair, at least three members of the committee, or the executive director, but no less frequently than once each calendar year.

(4) A majority of the members of the committee constitutes a quorum. The action of a majority of a quorum constitutes the action of the committee.

(5) Members of the committee may not receive compensation for their work associated with the committee, but may receive from the department reimbursement for travel expenses incurred as a member of the committee, as funds are available, at the rates established by the Division of Finance under Section 63A-3-107. Members of the committee may decline reimbursement.

(6) The committee shall:

(a) make recommendations to the department for the development and modification of rules to administer the Utah Health Care Workforce Financial Assistance Program; and

(b) advise the department on the development of a needs assessment tool for identifying underserved areas.

(7) As funding permits, the department shall provide staff and other administrative support to the committee.

Section 5. Section **26-45-104** is enacted to read:

26-45-104. Continuity between programs.

(1) A contract entered into between the department and a scholarship or loan repayment recipient under Title 26, Chapter 9, Part 2, Physicians and Physician Assistants Grant and Scholarship Program, Title 26, Chapter 9d, Nurse Education Financial Assistance, or Title 26, Chapter 9e, Special Population Health Care Provider Financial Assistance and Retention Act, prior to the effective date of this act, remains valid on and after the effective date of this act, except that any provisions that cannot be administered due to the repeal of these programs shall be administered pursuant to Subsection 26-45-102(2)(g).

(2) Applications in process on the effective date of this act, for scholarship or loan repayment under Title 26, Chapter 9, Part 2, Physicians and Physician Assistants Grant and Scholarship Program, Title 26, Chapter 9d, Nurse Education Financial Assistance, or Title 26,

Chapter 9e, Special Population Health Care Provider Financial Assistance and Retention Act, shall be evaluated for acceptance under the provisions of this chapter.

Section 6. Section **63-55b-126** is amended to read:

63-55b-126. Repeal dates -- Title 26.

(1) Section 26-4-7.1 is repealed April 1, 2002.

(2) Title 26, Chapter 45, "Utah Health Care Workforce Financial Assistance Program," is repealed July 1, 2007.

Section 7. **Repealer.**

This act repeals:

Section **26-9-201, Title.**

Section **26-9-202, Definitions.**

Section **26-9-203, Rural Medical Financial Assistance Committee -- Membership -- Expenses.**

Section **26-9-204, Committee duties and powers.**

Section **26-9-205, Department duties and powers.**

Section **26-9-206, Physician loan repayment grants -- Terms and amounts -- Service.**

Section **26-9-207, Physician scholarships -- Terms and amounts -- Service.**

Section **26-9-208, Physician assistant loan repayment grants -- Terms and amounts -- Service.**

Section **26-9-209, Physician assistant scholarships -- Terms and amounts -- Service.**

Section **26-9-210, Service obligation -- Repayment -- Penalty.**

Section **26-9-211, Funding.**

Section **26-9-212, Reporting.**

Section **26-9-213, Continuity with prior provisions.**

Section **26-9d-1, Definitions.**

Section **26-9d-2, Committee -- Appointment -- Membership -- Terms -- Vacancies -- Quorum -- Per diem and expenses.**

Section **26-9d-3, Committee responsibilities.**

Section 26-9d-4, Powers and duties of the department.

Section 26-9d-5, Loan repayment grants -- Terms and amounts -- Service.

Section 26-9d-6, Scholarships -- Terms and amounts -- Service.

Section 26-9d-7, Service obligation -- Repayment -- Penalty.

Section 26-9d-8, Release from obligation -- Cancellation.

Section 26-9d-9, Funding.

Section 26-9d-10, Reporting.

Section 26-9e-1, Title.

Section 26-9e-2, Definitions.

Section 26-9e-3, Creation of program.

Section 26-9e-4, Committee created.

Section 26-9e-5, Committee responsibilities.

Section 26-9e-6, Department responsibilities.

Section 26-9e-7, Primary health care provider loan repayment grants -- Terms and amounts -- Service.

Section 26-9e-8, Primary health care provider scholarships -- Terms and amounts -- Service.

Section 26-9e-9, Service obligation -- Repayment -- Penalty.

Section 26-9e-10, Funding.

Section 26-9e-11, Committee report.

Section 8. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.